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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/537,399 | 03/15/2006 | Alan H. Winfield | 46094.43 | 8403 |
| 22828 7590 12/13/2007 EDWARD YOO C/O BENNETT JONES 1000 ATCO CENTRE 10035 - 105 STREET EDMONTON, ALBERTA, AB T5J3T2 CANADA | | | EXAMINER EPPES, BRYAN L | |
| | | | ART UNIT 3635 | PAPER NUMBER |
| | | | MAIL DATE 12/13/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/537,399 | Applicant(s) WINFIELD, ALAN H. | |
| | Examiner Bryan Eppes | Art Unit 3635 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/16/06, 09/24/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Trautz (U.S. Patent 5,962,090).

- a. Claim 1: Trautz discloses an insulation window comprising:
 - i. A pair of outer panes 1 and 3 defining an air space therebetween;
 - ii. A spacing member 5 disposed between the outer panes having a first 9 and second 11 parallel surface and a third 19 outer surface extending between the first and second outer surfaces;
 - iii. Wherein the spacing member 5 defines a first sealing groove, the area shown between angled surface 19a and pane 1, and a second sealing groove, the area shown between angles surface 19b and pane 2;
 - iv. A gas-tight seal element 27, described as preferably polysulfide or silicone, contained within the first and second sealing grooves;
 - v. A metal band 21 parallel to and overlaying the third outer surface, wherein the band comprises edge flanges, parallel with angled surfaces 19a and 19b, which fit into the first and second sealing grooves (Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made, to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grether, deceased et al. (U.S. Patent 5,237,787) in view of Trautz (U.S. Patent 5,962,090).

b. Claims 1-2: Grether, deceased et al. discloses an insulation window comprising:

- vi. A pair of outer panes 1 defining an air space therebetween;
- vii. A spacing member 5 disposed between the outer panes having a first and second parallel surface 4.1 and a third outer surface 5.1 extending between the first and second outer surfaces;
- viii. Wherein the spacing member 5 defines first and second sealing grooves 7 at the junctions of the parallel surfaces 4.1 and third outer surface 5.1;
- ix. A gas-tight seal element, described as a butyl adhesive (Col. 4 Line 46), contained within the first and second sealing grooves 7;
- x. A metal band 6, described as rust-proof stainless steel (Col. 4 Line 45), parallel to and overlaying the third outer surface (See Unmarked Fig.).

Grether, deceased et al. lacks a metal band comprising edge flanges which fit into the first and second sealing groove. Trautz teaches a metal band (Trautz Ref. # 21) comprising edge flanges which fit into the first and second sealing grooves to provide an improved adhesive bond between the non-butyl sealing mass and the spacer member. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the metal band of Grether, deceased et al. with a band that includes flanges which extend into the first and second grooves to provide an improved adhesive bond between the non-butyl sealing mass and the spacer member.

c. Claim 3. Grether, deceased et al. discloses a spacing member comprising a central spacer, shown as the area of spacing member 5 between opposing lateral members 4, and at least one lateral member comprising means for retaining an interior film 2, described as weld-caps 3.1 and helical springs 3 (See unmarked Fig.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Eppes whose telephone number is (571) 270-3109. The examiner can normally be reached on M-F; alt. Fri. off (7:30am-5pm EST.).

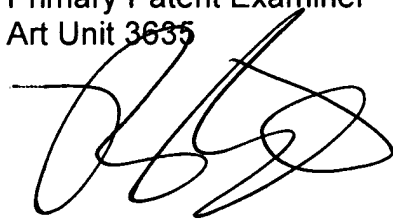
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/537,399
Art Unit: 3635

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert Canfield
Primary Patent Examiner
Art Unit 3635

A handwritten signature in black ink, appearing to be 'R. Canfield', written over the printed name and title.

BE
12/07/2007